



The Planning Inspectorate

Examination of The Cranbrook Local Plan

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To East Devon District Council

Dear Mr Brown

Thank you for your letter of 12 May, I note the limited progress made and that it is the Councils view that you do not consider that any meaningful progress is likely to be made through the mediation process. Furthermore, these circumstances mean that you now consider it is appropriate to progress the revisions to your viability assessment.

In undertaking that work, it will be important for all participants to understand what the key changes are together with any implications. The rework of the figures relating to developable areas; the content of the Infrastructure Delivery Plan; costs; responsibilities, and equalisation approach will be important factors affecting overall viability. It is also necessary to ensure that the listed requirements of the policies have due regard to the Section 106 requirements they will need to meet at an application stage.

You have not yet detailed whether the discussions you have had with participants have outlined the changes you will be making, but it would be unfortunate if any significant changes come as a surprise to them. In finalising the revised viability report it will be important to respond to points 1 to 15 in my earlier letter so that the assumptions used for the variables in the viability assessment are clear to all participants. Once your updated report is available adequate opportunity for this information to be considered by participants will be needed. At that point it may be appropriate for me to ask additional questions and/or request further hearing statements prior to the viability session of the examination taking place. To that effect I am expecting both aspects to be made available to me prior to publication in order that I can determine whether I wish to ask additional questions and/or request further hearing statements in advance of the viability session of the examination taking place.

Finalising a revised viability report with many outstanding issues could leave the Council no further forward than it was in February and I would encourage you to consider if there are any areas on which agreement has, or can, be reached.

You should be aware that whilst the Council is at liberty to proceed to complete its revised viability assessment this is not without some risk. You should be alert to the fact that even if the viability work is amended there appears to remain significant areas of difference on viability matters on what you have described as a viability impasse. It would be inappropriate for me to make any comment at this point as you have not yet detailed the changes you wish to make. Even so, viability is a consideration which cannot be avoided; I am aware the Council has several pending planning applications across most of the allocated sites and is looking for the Plan to set the context against which those planning applications will be measured.

In broad terms if I cannot be satisfied that the expansion areas are viable it may not be possible to conclude that the policies which relate to them are effective and this would have obvious consequences. The purpose of the examination is to determine whether the policies in the plan are sound, under the current circumstances there is no guarantee that I will be able to reach such a conclusion.

As you are no doubt aware that due to Covid19 there are limitations as to how examinations are to progress given face to face hearings are not able to take place at the moment. A Planning Inspectorate update on Covid19 was issued on 28 May which can be accessed [here](#). This raises the question as to how best to prepare for the next stage of the examination and I would be grateful if you would give some consideration to the content as this may affect the timetable which you are preparing. I am mindful that there are a large number of participants involved in the viability sessions including a number who have specialist advisors all wishing to participate in the examination and we will need to consider how to manage this aspect effectively.

I am obliged to you for your confirmation that you remain committed to taking the plan forward and working constructively with the examination and with developers.

If you can forward the programme of work and the date you expect your viability assessment to be available, I would be obliged. I can then give consideration as to the timetable and nature of the next steps in the Examination.

Yours sincerely

Janet Wilson
INSPECTOR